

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CARMELA JACKSON,

Plaintiff,

vs.

JOHNNY DEPP,

Defendant.

Case No. 24-cv-00199-DKW-WRP

**ORDER DENYING
APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES OR COSTS¹**

On April 30, 2024, Plaintiff Carmela Lynn Jackson, proceeding *pro se*, filed a Complaint against Defendant Johnny Christopher Depp, requesting that the Court “Remove Johnny Christopher Depp from My Energy and Return all of ‘MY ASSESTS’ in which he has helped his brother, ‘William Brad Pitt’ (TOM) steal for the past 38 years.” Dkt. No. 1 at 6. That same day, Jackson additionally filed an application to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

Pursuant to 28 U.S.C. § 1915(a)(1), federal courts may authorize the commencement of suit without prepayment of fees or securities by a person who submits an affidavit which demonstrates that they lack the ability to pay. Though an IFP applicant need not demonstrate absolute destitution, *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948), she must “allege poverty with some

¹Pursuant to Local Rule 7.1(d), the Court elects to decide this matter without a hearing.

particularity, definiteness, and certainty.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (quotation marks and citations omitted). The affidavit is sufficient where it alleges that the applicant “cannot pay the court costs and still afford the necessities of life.” *Id.* (citing *Adkins*, 335 U.S. at 339); *see* 28 U.S.C. § 1915(a)(1).

Here, Jackson has failed to make the requisite showing under Section 1915(a). In her IFP Application, Jackson alleges that her monthly income consists of \$1,673 in Social Security disability benefits.² Dkt. No. 2 at 1. Further, Jackson states that she has no money in cash or in a checking or savings account, no items or assets of value, and, importantly, no expenses, dependents, or debts of any kind. *Id.* at 2. In light of these figures, the Court is unable to find that Jackson lacks the financial means to pay the \$405 filing fee for this action while still being able to afford the necessities of life. *See Escobedo*, 787 F.3d at 1234–36. Her IFP Application, Dkt. No. 2, is therefore DENIED.

Jackson may have until **May 17, 2024** to pay the required \$405 filing fee. **The Court cautions Jackson that failure to pay this fee by May 17, 2024 will**

²This amount exceeds the poverty guideline identified in the Department of Health and Human Services’ (“HHS”) 2024 Guidelines for Hawai‘i. *See* HHS Poverty Guidelines, available at: <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

result in the automatic dismissal of this action without prejudice and without further notice.

IT IS SO ORDERED.

DATED: May 2, 2024 at Honolulu, Hawai‘i.



/s/ Derrick K. Watson

Derrick K. Watson
Chief United States District Judge

Carmela Jackson vs. Johnny Depp; Civil No. 24-00199 DKW-WRP; **ORDER DENYING APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES OR COSTS**